COMMONWEALTH OF MASSACHUSETTS State Building Code (780 CMR) Appeals Board Board's Ruling on Appeal¹

Docket No. 08-637

Appellant(s): Hal Cutler

Appellee(s): City/Town of Danvers

Richard Mahoney

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 2801.2 and from M-1601.2 and Table M-1604.3 of the 1993 Edition of the BOCA National Mechanical Code, for 191 Old Burley Street, Danvers, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seq.; and 780 CMR 122.3.4, the Board convened a public hearing on September 23, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. Richard Mahoney and others were present as well as shown on the sign in sheet that is on file with the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 2801.2 and from M-1601.2 and Table M-1604.3 of the 1993 Edition of the BOCA National Mechanical Code, and allow that a mechanical ventilation system to not be installed. The motion requires that two CO detectors be installed in each of the two hanger bays. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 2801.2 and from M-1601.2 and Table M-1604.3 of the 1993 Edition of the BOCA National Mechanical Code, is hereby granted and so ordered² on this date: September 23, 2008.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.